

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON AT SPOKANE

ANTHONY FISHER AND
MARY WORTHY, individually and on
behalf of their martial community

Plaintiffs

vs.

MANN BRACKEN, L.L.P. AND
ESKANOS & ADLER, P.C.

Defendants.

NO. CV-09-175-RHW

NOTICE OF REMOVAL UNDER
28 U.S.C. §1441(B) (FEDERAL
QUESTION)

Defendant, Mann Bracken, L.L.P., formerly Mann Bracken, L.L.C.,
successor by merger to Eskanos & Adler, P.C. ("Mann Bracken"), hereby gives
notice that this action is removed from the Superior Court of Washington,
County of Spokane, to the United States District Court for the Eastern District
of Washington, pursuant to 28 U.S.C. §§1441 and 1446. In support thereof, and
for the purposes of removal only, the Defendant states as follows:

NOTICE OF REMOVAL
UNDER 28 U.S.C. §1441(B)
(FEDERAL QUESTION)

0906-06 ss

STEPHEN A. BERNHEIM
ATTORNEY AT LAW
512 Bell Street
Edmonds, Washington 98020
(425) 712-8318
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e-mail:steve@stevebernheim.com

1 1. On April 23, 2009, Plaintiffs Anthony Fisher and Mary Worthy
2
3 commenced this action against Defendant in the Superior Court of Washington,
4 County of Spokane, Case No. 09201784-5.

5 2. Defendant was personally served through its registered agent on
6
7 May 8, 2009. Copies of all process, pleadings and other papers served on Mann
8 Bracken in such action are contained in Exhibit A filed herewith.

9 3. The parties to this action are, as follows:

10 a) Plaintiffs, Anthony Fisher and Mary Worthy, citizens of the State
11
12 of Washington.

13 b) Defendant, Mann Bracken, L.L.P., a Delaware Limited Liability
14
15 Partnership, with its principal place of business in Rockville, Maryland.

16 4. Plaintiffs allege violations of the Fair Debt Collection Practices
17
18 Act ("FDCPA"), 15 U.S.C. § 1692, et seq., the Revised Code of Washington,
19 §19.16 et. seq., and a common law count of outrage against Defendant in their
20
21 Complaint.

22 5. This Court has original jurisdiction over the subject action
23
24 pursuant to 28 U.S.C. §1331.

25 NOTICE OF REMOVAL
26 UNDER 28 U.S.C. §1441(B)
27 (FEDERAL QUESTION)
28 0906-06 ss

6. Pursuant to 28 U.S.C. §1441, et. seq., this cause may be removed from the Superior Court of Washington for the County of Spokane to the United States District Court for the Eastern District of Washington.

7. In addition, Plaintiff also alleges state law claims against Defendant. However, because the Federal and non-federal claims all derive from the common nucleus of operative facts, this Court has supplemental jurisdiction over the non-federal claims alleged against the Defendant, 28 U.S.C. §1367(a).

8. Alternatively, if the Federal claims are deemed to be separate and independent from the non-federal claims, as opposed to arising out of a common nucleus of operative facts, the Defendant invokes the Court's jurisdiction under 28 U.S.C. §1441(c) as grounds for removal of the entire state action to this Court.

DATED this 8th day of June, 2009.

/s/ Stephen A. Bernheim
Stephen A. Bernheim, WSBA #15225
Attorney for Defendants

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CERTIFICATE OF SERVICE

On June 8, 2009, the undersigned deposited in the mails of the United States of America, true and conformed copies of Notice of Filing Notice of Removal, addressed to:

Lisa R. J. Porter, Esquire
Johnson Porter Law Office, PC
10260 SW Greenburg Road, Suite 400
Portland, OR 97223
Attorney for Plaintiff

EXECUTED at Edmonds, Washington this 8th day of June, 2009.

/s/ Sherri L. Simonoff
Sherri L. Simonoff

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